

STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
900 S. SPRING STREET.
SPRINGFIELD, ILLINOIS 62701

IN THE MATTER OF:)	
)	
STANLEY SIMRAYH, as MEMBER OF)	
THE INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL #150)	
and the INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL #150,)	
)	
Petitioners,)	
)	
v.)	STATE FILE NO.: 2014-H-TW07-0013
)	
JOSEPH COSTIGAN, DIRECTOR OF)	
LABOR and the ILLINOIS DEPARTMENT)	
OF LABOR,)	
)	
Respondent,)	
)	
And)	
)	
LABORERS' INTERNATIONAL UNION OF)	
NORTHERN AMERICA GREAT PLAINS)	
LABORERS' DISTRICT COUNCIL,)	
SOUTHWESTERN ILLINOIS LABORERS')	
DISTRICT COUNCIL, SOUTHERN AND)	
CENTRAL ILLINOIS LABORERS')	
DISTRICT COUNCIL,)	
)	
And)	
)	
MIDWEST REGION LABORERS AND)	
EMPLOYERS COOPERATION AND)	
EDUCATION TRUST AND ILLINOIS)	
LABORERS AND EMPLOYERS)	
COOPERATION AND EDUCATION TRUST,)	
)	
Intervenors.)	

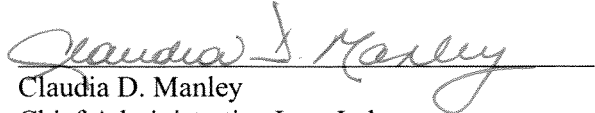
Order

This cause coming to be heard on an objection to the Illinois Department of Labor's prevailing wage determinations and request for hearing under Sections 4 and 9 of the Prevailing Wage Act, 820, ILCS 130/01 *et seq.*, and having dismissed from the objection all counties other than those 10 counties in the Consent Decree and due notice having been given:

IT IS HEREBY ORDERED, that upon review of the Consent Decree and the terms and conditions entered into between the parties the Consent Decree is accepted and resolves the dispute between the parties.

DATE: 11-7-13

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
F: 312-793-5257



Claudia D. Manley
Chief Administrative Law Judge

STATE OF ILLINOIS – DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
900 S. SPRING STREET.
SPRINGFIELD, ILLINOIS 62701

IN THE MATTER OF:

STANLEY SIMRAYH, as MEMBER OF
THE INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL #150
and the INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL #150,

Petitioners,

v.

JOSEPH COSTIGAN, DIRECTOR OF
LABOR and the ILLINOIS DEPARTMENT
OF LABOR,

Respondent,

And

LABORERS' INTERNATIONAL UNION OF
NORTHERN AMERICA GREAT PLAINS
LABORERS' DISTRICT COUNCIL,
SOUTHWESTERN ILLINOIS LABORERS'
DISTRICT COUNCIL, SOUTHERN AND
CENTRAL ILLINOIS LABORERS'
DISTRICT COUNCIL,

And

MIDWEST REGION LABORERS AND
EMPLOYERS COOPERATION AND
EDUCATION TRUST AND ILLINOIS
LABORERS AND EMPLOYERS
COOPERATION AND EDUCATION TRUST,

Intervenors.

STATE FILE NO.: 2014-H-TW07-0013

Consent Decree

Joseph Costigan, Director of Labor and the Illinois Department of Labor ("Respondent"), Stanley Simrayh, as a member of the International Union of Operating Engineers, Local 150 and the International Union of Operating Engineers, Local 150 ("Petitioners"), and the Laborers' international Union of Northern America Great Plains Laborers' District Council, Southwestern Illinois Laborers' District Council, Southern and Central Illinois Laborer' District Council, Midwest Region Laborers and

Employers Cooperation and Education Trust, and Illinois Laborers and Employers Cooperation and Education Trust (collectively "Intervenors"), hereby resolve the above-referenced matter pursuant to 56 Ill Admin Code 120.540 as follows:

1. This matter arises under the Illinois Prevailing Wage Act ("IPWA"), as amended, 820 ILCS 130/0.01, et seq.
2. Pursuant to Sections 4 and 9 of the IPWA, Petitioners timely filed written and specific objections to the June 2013 prevailing wage rates published by the Illinois Department of Labor ("IDOL") on its website for various counties mentioned herein, and requested a hearing to establish new classifications for Material Tester I and II statewide.
3. Pursuant to Sections 4 and 9 of the IPWA, Intervenors timely filed their written petition to intervene.
4. Pursuant to Section 9 of the IPWA, Respondent scheduled a hearing on Petitioners objections and request for a hearing, issued a Notice of Hearing to Petitioner dated July 12, 2013, and provided notice of the hearing to the public by posting the date, time, location, and other pertinent information regarding the Section 9 hearing on IDOL's official website.
5. On or about August 8, 2013, Chief Administrative Law Judge Manley granted the written petitions to intervene.
6. At the October 16, 2013 hearing, Petitioners stated their intent to narrow the scope of the petition to ten counties, instead of statewide.
7. For the following Illinois counties: Jo Daviess, Stephenson, Henry (West), Mercer, Livingston, Whiteside, Rock Island, Bureau, Putnam, and La Salle, the parties agree that IDOL shall add **Material Tester/ Inspector I** and **Material Tester/ Inspector II** as new classifications for all construction (Heavy/Highway & Building), described as follows:

Material Tester/Inspector I	Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.
Material Tester/Inspector II	Field inspection of welds, structural steel, fireproofing, masonry, soil, façade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

County	Base	Pension	H/W	Vac.	Training
Jo Daviess	MT I:\$32.38	\$12.84	\$8.24	\$0.00	\$.80
	MT II:\$34.38				

Stephenson	MT I:\$32.38	\$12.84	\$8.24	\$0.00	\$.80
	MT II:\$34.38				
Henry (W)	MT I:\$24.06	\$10.15	\$8.24	\$0.00	\$.80
	MT II:\$26.06				
Mercer	MT I:\$25.13	\$7.41	\$6.75	\$0.00	\$.80
	MT II:\$27.13				
Livingston	MT I:\$29.31	\$9.06	\$7.70	\$0.00	\$.80
	MT II:\$31.31				
Whiteside	MT I:\$32.38	\$12.84	\$8.24	\$0.00	\$.80
	MT II:\$34.38				
Rock Island	MT I:\$25.13	\$7.41	\$6.75	\$0.00	\$.80
	MT II:\$27.13				
Bureau	MT I:\$27.08	\$9.58	\$8.24	\$0.00	\$.80
	MT II:\$29.08				
Putnam	MT I:\$27.08	\$9.58	\$8.24	\$0.00	\$.80
	MT II:\$29.08				
LaSalle	MT I:\$27.08	\$9.58	\$8.24	\$0.00	\$.80
	MT II:\$29.08				
All classifications for all Counties contained within this table shall have the following additional benefits: M-F>8 = 1.5; OSA=1.5; OSH=2.0					

8. For all Illinois counties listed in paragraph 7 above, the IDOL shall set the prevailing wages for Material Tester/ Inspector I and Material Tester/ Inspector II as outlined above and as subsequently determined by the Illinois Department of Labor.

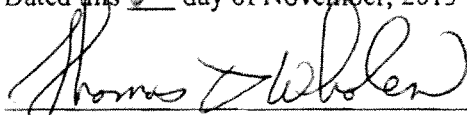
9. The parties agree that:

- a. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing; and
- b. The entire record of this hearing shall consist solely of the Notice of Hearing, this Consent Decree, and the subsequent Decision and Order.
- c. The rates discussed herein shall be posted no later than December 1, 2013.

10. The parties waive:

- a. Further procedural steps before the Administrative Law Judge; and
- b. Any right to challenge or contest the validity of this Consent.

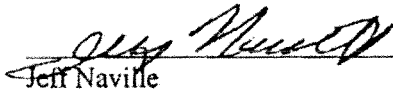
Dated this 6th day of November, 2013



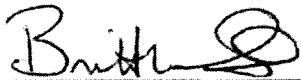
Tom Whalen
Conciliation Manager, Illinois Department of Labor



Marc R. Poulos
Attorney for Petitioners
Stanley Simrayh, as a member of the International
Union of Operating Engineers, Local 150
and the International Union of Operating Engineers,
Local 150



Jeff Naville
Attorney for Intervenors
Laborers' International Union of North America Great
Plains Laborers' District Council, Southwestern
Illinois Laborers' District Council, Southern and
Central Illinois Laborers' District Council



Brit W. Sowle
Attorney for Intervenors
Midwest Region Laborers and Employers Cooperation
and Education Trust, and Illinois Laborers and Employers
Cooperation and Education Trust

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing:

Consent Decree and Order

prior to 4:30 p.m. on 11/8, 2013, to the following addresses shown below

regular U.S. Mail, and placed on the Illinois Department of Labor's official website at

<http://labor.illinois.gov/>:

Marc R. Poulos
Indiana Illinois and Iowa
Foundation for Fair Contracting
6170 Joliet Rd., Ste. 200
Countryside, IL 60525

Jeff Naville
Laborers' Midwest Region
#1 N. Old State Capitol Plaza, Ste. 525
Springfield, IL 62701

Brit W. Sowle
Cavanagh & O'Hara, LLP
1609 N. Illinois St.
Swansea, IL 62226

Via messenger:

Valerie Puccini/Ronald M. Willis
General Counsel
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

A handwritten signature in black ink, appearing to read "Zolanda Carter", is written over a horizontal line.